

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 15, 2006**

**DIVISION TWO**

B182746      Los Angeles County, D.C.S.                      (Not for Publication)  
                 v.  
                 Kylah R.

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                         Chavez, J.

**DIVISION THREE**

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B178409      Woods v. City of Inglewood  
B179315      People v. Haughton  
B178176      People v. Laurel  
B181972      People v. Guzman

Argument waived, cause submitted.

DIVISION THREE (Continued)

B184666     Alvarado  
              v.  
              Hunley

Merits:

Argued by James Hunley, appellant in propria persona and by Tiffany Israel for respondent. Cause submitted.

B182835     Sanchez  
              v.  
              City of Los Angeles, et al.

Merits:

Argued by Diane Marchant for appellant and by Gerald Sato, Deputy City Attorney for respondents. Cause submitted.

B182220     People  
              v.  
              Saracoglu

Merits:

Argued by Jennifer Peabody for appellant and by Marc E. Turchin, Deputy Attorney General for respondent. Matter taken off calendar, counsel to notify the court of the status of matters pending the U.S. Supreme Court on July 5, 2006. Matter will be placed back on calendar after status update.

B181229     People  
              v.  
              McSherry

Merits:

Argued by Robert Gertstein for appellant and by Chung L. Mar, Deputy Attorney General for respondent. Cause submitted.

DIVISION THREE (Continued)

B179641     Ashou  
              v.  
              Liberty Mutual Insurance

Merits:  
Argued by Stephen Losh for appellant and by Lisa Kralik Hansen for  
respondent. Cause submitted.

B178628     Westoaks Investment #27, et al.  
              v.  
              Matheney, et al.

Merits:  
Argued by John Polich for appellants and by Richard Wasserman and  
Roger Stanard for respondents. Cause submitted.

Court recessed at 12:21 p.m.

Court reconvened at 1:45 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy  
Clerk.

Each of the following:

B182141     People v. Bravo  
B180499     People v. Joel V.  
B180441     People v. Dajuan J.  
B182750     People v. Oscar R.  
B184125     People v. Bochicchio

Argument waived, cause submitted.

DIVISION THREE (Continued)

B184262     People  
              v.  
              McCann

Merits:  
Argued by John Hamilton Scott, Deputy Public Defender for appellant.  
Argument waived by respondent. Cause submitted.

B179039     Evans  
              v.  
              Evans

Merits:  
Argued by Lee B. Ackerman for appellant and by Ira Bibbers for  
respondent. Cause submitted.

B183977     Fink  
              v.  
              California State University Northridge

Merits:  
Argued by Joanna Fink, appellant in propria persona and by Christopher  
Hill, Deputy Attorney General for respondent. Cause submitted.

B178997     Kaiser International Corporation  
              v.  
              Hearing Board, SCAQMD

Merits:  
Argued by Steven Broiles and Richard Holdaway for appellant and by  
Michael Strumwasser and Joseph Panasiti for respondents. Cause  
submitted.

Court adjourned.

DIVISION FOUR

B184222 Malibu-Encinal Homeowners Association, Inc. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Lechuza Villas West, L.P., r.p.i.)

Let a peremptory writ of mandate issue compelling respondent court to vacate its order overruling MEHOA's demurrer and issue a new and different order sustaining the demurrer. The alternative writ, having served its purpose, is discharged. Costs are awarded to petitioner.

Curry, J.

We concur: Epstein, P.J.  
Hastings, J.

B182221 People (Not for Publication)  
v.  
Rockwell

The judgment is affirmed.

Willhite, J.

We concur: Hastings, Acting P.J.  
Curry, J.

B185647      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Kwanisha C.

The order terminating parental rights is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

February 15, 2006 (Continued)

## DIVISION FOUR (Continued)

B181393 People (Not for Publication)  
v.  
Phillips

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.  
Curry, J.

B176855 People (Not for Publication)  
v.  
De La Cruz

The sentence is vacated, and the matter is remanded to the trial court for a determination whether appellant withdrew his plea of not guilty by reason of insanity, for a personal withdrawal of appellant's plea of not guilty by reason of insanity or for trial by reason of insanity, and for resentencing if appropriate. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.  
Willhite, J.

[illegible]

The judgment is affirmed.

Epstein, P.J.

We concur: Hastings, J.  
Willhite, J.

February 15, 2006 (Continued)

DIVISION FOUR (Continued)

B181446      Capri      (Certified for Publication)  
v.  
L.A. Fitness International, LLC

The judgment is reversed and the cause remanded for further proceedings on the second cause of action. The parties are to bear their own costs on appeal.

Epstein, P.J.

We concur: Hastings, J.  
Willhite, J.

B178214 People  
v.  
Ritchie

Filed order modifying opinion. Petition for rehearing is denied.  
(No change in the judgment)

Each of the Following:

B171904	Darling v. McDonald's Corporation, and Robert Rodriguez
B180848	People v. Solano

Filed order denying petition for rehearing.

DIVISION SIX

B183014 Reninger,  
v.  
Hennion,

Filed order modifying opinion. Petition for rehearing is denied.  
(No change in the judgment)

February 15, 2006 (Continued)

## DIVISION SIX (Continued)

B179934      Hewitt,                                (Not for Publication)  
v.  
Wal-Mart Stores, Inc.

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.

B179733 People (Not for Publication)  
v.  
Frank M.

The matter is remanded to the juvenile court with directions to exercise its discretion to characterize the offense chosen for the principal term as a misdemeanor or a felony, and to set the maximum term of confinement pursuant to section 731, subdivision (b). The juvenile court's orders are otherwise affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B181913 People (Not for Publication)  
v.  
Gutierrez

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.



DIVISION SIX (Continued)

B183788      Cornelius D., et al.                      (Certified for Publication)

v.

Ronald D.

In re Adoption of Charlotte D.

The judgment declaring minor free of appellant's custody and control is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. The parties shall bear their own costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                     Perren, J.

DIVISION SEVEN

B180135      Jackson    (Certified for Publication)

v.

Jackson

The portion of the April 2, 2004 order invalidating the October 2001 termination of Deborah Rowe Jackson's parental rights and the October 21, 2004 order denying the motion to vacate the April 12, 2004 order are affirmed. Deborah Rowe Jackson is to recover her costs on appeal.

Perluss, P.J.

We concur:    Johnson, J.  
                     Woods, J.

DIVISION SEVEN (Continued)

B181303      Western States Petroleum      (Certified for Publication)

v.

South Coast Air Quality Management District, et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur:    Perluss, P.J.

                  Zelon, J.

B178244      Lincoln Fountain Villas      (Certified for Publication)

v.

State Farm Fire & Casualty Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur:    Woods, J.

                  Zelon, J.

B174753      Fortson      (Not for Publication)

v.

County of Los Angeles Probation Dept.

The order of dismissal is reversed, and the matter remanded for further proceedings not inconsistent with this opinion. Fortson is to recover his costs on appeal.

Perluss, P.J.

We concur:    Woods, J.

                  Zelon, J.

February 15, 2006 (Continued)

## DIVISION SEVEN (Continued)

B183456 People (Not for Publication)  
v.  
Williams et al.,

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.

B180252 People v. Rodriguez (Not for Publication)

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.

B167499      Frey and Denton  
v.  
City of Los Angeles

Filed order denying petition for rehearing.

## DIVISION EIGHT

B175639 People (Certified for Publication)  
v.  
Vasquez

The judgment is reversed. The matter is remanded for retrial.

Rubin, J.

We concur: Cooper, P.J.  
Flier, J.

B187868      Castellanos      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(The City of Los Angeles Police Department, r.p.i.)

The petition is granted. The trial court is ordered to (1) vacate the portion of its November 4, 2005 order denying petitioner's Pitchess motion for discovery concerning Officers Arrona and Hernandez, and instead (2) issue a new order granting discovery with regard to complaints of false arrest, planting of evidence, fabrication of police reports, fabrication of probable cause, false testimony and perjury.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B180777 People (Not for Publication)  
v.  
Woods

The judgment is reversed.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

## DIVISION EIGHT (Continued)

B178417 People (Not for Publication)  
v.  
Milam

The judgment is reversed as to count 15 and remanded for resentencing in light of that reversal. In all other respects the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.  
Flier, J.

B178813      Cameron                                  (Not for Publication)  
v.  
Firststar Bank

The order denying appellant's petition to vacate is reversed. The case is remanded to the trial court. The trial court is directed to hold a hearing to determine whether, in light of Cameron, respondent was entitled to the attorneys' fees it included in the March 11, 2004 Notice of default. If the court determines respondent is not entitled to fees, it must grant appellants' motion to vacate. If the court finds respondent is entitled to fees it must deny appellants' motion to vacate. Appellants are entitled to costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.